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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/672,213 | 09/25/2003 | Jean-Philippe Fournier | 15675P482 | 2889 |

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EXAMINER

LA, NICHOLAS T

ART UNIT PAPER NUMBER

2617

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,213

Applicant(s)

FOURNIER ET AL.

Examiner

Nicholas T. La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/25/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. FR02/11946.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Priority

1) Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 09/26/2002. It is noted, however, that applicant has not filed a certified copy of the FR02/11946 application as required by 35 U.S.C. 119(b).

Drawings

2) The drawings are objected to because the drawing doesn't show appropriate labels for the disclosed elements. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to

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show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3) The disclosure is objected to because of the following informalities: specification must have proper sections with headings. Also, specification must have a brief description of the drawings. See 37 CFR 1.77 and MPEP § 608.01(a).

Appropriate correction is required.

Claim Objections

4) **Claim 23** is objected to because of the following informalities: the applicant discloses a "new processing operation", which was not previously discloses in the parent claim. For the purpose of examining the claim, the examiner assumes "new processing operation" as "the operation of processing the request by the voice recognition device". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claims 1 are rejected under 35 U.S.C. 102(b) as being unpatentable by Goodman (US Patent No. 5,594,779).

Regarding **claims 1, 11**, Goodman teaches a system for downloading multimedia content to a terminal (see Figure 1, element 2 MAPOD as Mobile Audio Programming Device), characterized in that the downloading is carried out via a mobile telephony network (see Figure 1), the said terminal is being able to be connected to the mobile telephony network, the said system comprising a voice recognition device (see Figure 1, element 14b), a database (see Figure 1, element 18; col. 10, line 25 to 33) connected to the network and containing multimedia files, the terminal being able to transmit a voice request emanating from the user to the voice recognition device (col. 14, line 31 to 56) and the voice recognition device is able to interpret the request that it receives and to return to the terminal one or more interpretation prompt(s) designating one or more file(s) contained in the database (col. 14, line 31 to 56), the terminal being able to return a prompt selected by the user (col. 14, line 31 to 56), thereby bringing about the downloading of a multimedia file corresponding to the prompt selected

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from the database to the terminal via the mobile telephony network (see Figure 6, col. 11, line 48 to 67; col. 13, line 40 to 55, col. 14, line 46 to 56).

Regarding **claim 2**, Goodman further teaches a system, characterized in that the voice recognition device is able to generate and transmit to the terminal a list containing several most probable interpretation prompts (col. 14, line 46 to 50).

Regarding **claim 5**, Goodman further teaches a system, characterized in that it comprises means for recording the voice request (col. 11, line 48 to 67).

Regarding **claims 6, 12**, Goodman further teaches a system, characterized in that the terminal is a mobile terminal having a voice channel and/or a data channel (col. 7, line 32 to 38; col. 8, line 32 to 45; col. 11, line 8 to 18).

Regarding **claim 14**, Goodman further teaches a process, characterized in that the prompts are returned from the database to the terminal in the form of a voice message transmitted as a sound file or by audio streaming (col. 14, line 46 to 50).

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Regarding **claim 19**, Goodman further teaches a process, characterized in that the user selects a prompt by verbally pronouncing a reference identifying this prompt (col. 14, line 45 to 50).

Regarding **claims 21, 23**, Goodman further teaches a process, when none of the prompts is selected, the operation of processing the request by the voice recognition is repeated while eliminating the unselected prompts from the list of the expressions and this process is carried out on a request (col. 14, line 43 to 50; Goodman teaches voice recognition continue to prompt to the user as none of the prompt is being selected by the user and that means that also eliminating the unselected prompts).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6) Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (US Patent No. 5,594,779) and further in view of Walsh et al. (US Patent No. 6,965,770).

Regarding **claims 3, 15**, Goodman teaches a system for downloading multimedia content to a terminal, wherein a voice recognition device is able to generate and transmit to the terminal a list of prompts. However, Goodman does not expressively teach a system, characterized in that the prompts being associated with probabilities of correspondence with the user's request, the prompts of the list of prompts are ranked according to their order of probability. In an analogous art, Walsh et al. teaches a dynamic content delivery responsive to user requests such as song, video, and the like. Walsh et al. further teaches a system characterized in that the prompts being associated with probabilities of correspondence with the user's request, the prompts of the list of prompts are ranked according to their order of probability (col. 16, line 49 to 67 wherein probability is corresponding to weighting scheme). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Goodman to include a system characterized in that the prompts being associated with probabilities of correspondence with the user's request, the prompts of the list of prompts are ranked according to their order of probability such as taught by Walsh et al. in order to develop a content delivery system that did not require a listener to be at the physical location of the music storage in order to request a song or a video and also allowed the choose the desired song out of a matches list.

Regarding **claim 4**, Walsh et al. further teaches a system, characterized in that the prompts are transmitted to the terminal in the form of hypertext links tied

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with multimedia files contained in the database, the user being able to activate the link corresponding to his request (col. 16, line 55 to 65).

Regarding **claim 7**, Walsh et al. further teaches a system, characterized in that the terminal includes an Internet browser (col. 1, line 20 to 28; col. 10, line 16 to 32).

Regarding **claims 8, 25**, Walsh et al. further teaches a system, characterized in that it comprises means for activating or deactivating the mode of operation with return of interpretation prompt(s) to the terminal according to the number of matches and predetermined algorithm and:

in the case where this mode of operation is activated when there are more than one matches returned, the voice recognition device is able to return one or more interpretation prompt(s) to the terminal for the user selection (col. 14, line 25 to 29; col. 16, line 59 to 67);

in the case where this mode of operation is deactivated when there is only one match returned, the voice recognition device is able to transmit an interpretation directly to a server for access to the database and putting it the match on the play list to be played at the server according to the play list algorithm (col. 14, line 25 to 29; col. 16, line 59 to 67).

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Regarding **claim 13**, Walsh et al. further teaches a process, characterized in that the prompts are returned from the database to the terminal in the form of a text message (see Figure 4; col. 6, line 32 to 35; col. 10, line 35 to 38).

Regarding **claim 16**, Walsh et al. further teaches a process, characterized in that a prompt is selected by positioning a cursor over this prompt then by pressing an enable key of a keypad associated with the terminal (see Figure 4, col. 6, line 32 to 35).

Regarding **claims 17, 18**, Walsh et al. further teaches a process, characterized in that the user selects a prompt by scrolling prompts down to the one whose selection is desired and then by pressing an enable key of a keypad associated with the terminal (Figure 4; col. 5, line 17 to 35).

Regarding **claim 20**, Goodman and Walsh et al. further teaches a process, wherein the mobile terminal is a Personal Digital Assistant (PDA) with a stylus (see Walsh et al. Figure 1, element 111), but does not teach that the user selects a prompt by positioning a stylus on a touch screen associated with the terminal, at the level of the relevant prompt. Nevertheless, the Examiner takes Official Notice that it is conventionally and commonly well known in the art that a PDA has a stylus (or pen) used to make a prompt, selection, choice from a plurality of prompts by positioning a stylus on a touch screen of the PDA, at the level of the relevant prompt. Therefore, it would have been obvious to one

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ordinary skill in the art at the time of the invention was made to have used a stylus to select a prompt out from a plurality of prompt for the same advantages of making a selection, making a choice.

Regarding **claim 22**, Goodman teaches a process, characterized the new processing operation is carried out on the basis of initial request (col. 14, line 33 to 56). However, Goodman does not teach a process, characterized in having recorded the voice request beforehand. In an analogous art, Walsh et al. further teaches a process, characterized in that having recorded the voice request beforehand, this new processing operation is carried out on the basis of the initial recorded request (col. 13, line 60 to 64). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Goodman to include having recorded the voice request beforehand in order to provide ability to enhance the service's personalization level.

7) **Claims 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (US Patent No. 5,594,779) in view of Walsh et al. (US Patent No. 6,965,770) and further in view of Pyhalammi (US Patent No. 6,996,393).

Regarding **claims 9 and 10**, Goodman and Walsh et al. teaches a system that allows to downloading multimedia materials to a mobile station. Goodman and Walsh et al. further teaches a system comprising means for activating and deactivating the mode of operation with return of interpretation prompts to the

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terminal. However, Goodman and Walsh does not expressively teach a system comprising means for measuring a parameter relating to the quality of the network, and the user's actuation as functions for activating or deactivating the mode of operation with return. In an analogous art, Pyhalammi teaches a mobile content delivery system that optimizes the delivery of especially bandwidth – consuming content in a way that best utilizes the free capacity in the network. Pyhalammi further teaches a system comprising means for measuring the parameter relating to the quality of the network as well as utilizing user's manipulation to activating or deactivating the mode of operation with return in regarding to delivery content of multimedia materials to a mobile device (col. 1, line 48 to col. 2, line 22). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to modify Goodman and Walsh et al. system and means for activating and deactivating the mode of operation with return of interpretation prompts to the terminal to include the usage of parameter relating to the network and user actuation such as taught by Pyhalammi in order to allow data traffic on the wireless network to be more evenly distributed without having to upgrade the wireless network component. Therefore, it is cheaper to implement the system with all the functions without scarifying the operator high-margin business.

8) Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (US Patent No. 5,594,779) in view of Walsh et al. (US Patent No. 6,965,770) and further in view of Martin (US Patent No. 6,345,250).

Regarding **claim 24**, Goodman and Walsh et al. teaches a process to repeat the operation of processing when none of the prompt is selected. However, Goodman and Walsh et al. does not teach a process, wherein the new request is formulated in text or graphic mode when none of the prompt is selected. In an analogous art, Martin teaches a developing voice response application from pre-recorded voice and stored text-to-speech prompts. Martin further teaches a process, wherein the new request is formulated in text or graphic mode when none of the prompt is selected (Figure 4; see Abstract, col. 5, line 33 to 47). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Goodman and Walsh et al. to include a process, wherein the new request is formulated in text or graphic mode when none of the prompt is selected such as taught by Martin to provide a faster and more programmer friendly environment for the development of interactive voice response applications. Furthermore, easing the burden on the system by reducing significant costs of recording and storing infrequently used voice phases or words.

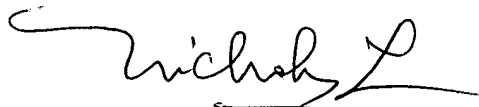
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas T. La whose telephone number is (571)-272-8075. The examiner can normally be reached on Mon-Fri 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nicholas La
04/24/2006



NICK CORSARO
PRIMARY EXAMINER